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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ.
HON'BLE SHRI D.R. DESHMUKH, J.

Writ Petition (PIL) NO.1851 of 2004

PETITIONER Kanwar Pal Singh, aged years, son of Shri Raghunath Singh R/o Care: Shri Mahendra Singh, MIG -, 10, Sharda Vihar, Korba (C.G.)

Versus

RESPONDENTS

1. Union of India Through The Secretary, Ministry of Coal, Government of India, Shastri Bhawan, New Delhi
2. The Secretary, Ministry of Defence, Government of India, North Block, New Delhi
3. The Chairman, Coal India Limited, 10, Netaji Subhash Road, Kolkata (WB)
4. The Chairman cum Managing Director, South Eastern Coalfields Limited, Seepat Road PO: SECL, Bilaspur – 495 006 (C.G.)
5. The Director General of Resettlement, Ministry of Defence West Block – IV, R.K. Puram New Delhi

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Present : Shri Kishore Bhaduri and Shri R.N. Jha, learned counsel for the petitioner.

Thakur Vijay Singh, learned Assistant Solicitor General with Shri S.K. Beriwal, Standing Counsel for Union of India/respondents No.1,2 and 5.
Shri P.S. Nair, learned Sr. Advocate with Shri Anis Pandey, learned counsel for respondents No. 3 & 4.

ORAL ORDER
(Passed on 25th August, 2006)

The following oral order of the Court was passed by

S.R. Nayak, CJ.

This writ petition is filed by one Kanwar Pal Singh S/o Shri Raghunath Singh, R/o Korba in the State of Chhattisgarh. This writ petition

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is filed by him claiming to be a *pro bono* public character to espouse the public interest. This Court having entertained the writ petition on 27-07-2004 directed notice re-rule to the respondents. The writ petition was initially presented by the petitioner through his counsel Shri Kishore Bhaduri, a learned counsel of this Bar after executing Vakalatnama in his favour. When the matter stood thus, the petitioner through another learned counsel, namely, Shri R.N. Jha, filed I.A. No. 9327 of 2004 praying for withdrawal of the writ petition. The very next day, the petitioner filed an affidavit before this Court making allegations that he did not engage the services of Shri Kishore Bhaduri and he did not execute the Vakalatnama in his favour. When the above application and affidavit were placed before the Court for appropriate order on 11-01-2005, a submission was made by Shri Kishore Bhaduri that what is alleged in the affidavit of the petitioner dated 07-12-2004 is totally false and incorrect. In the circumstance, the Court thought it appropriate to hear the petitioner in person and accordingly, Shri R.N. Jha, learned counsel was directed to secure the presence of the petitioner on 24th January 2005.

(2) Thereafterwards, the case had undergone several adjournments as could be seen from the order-sheet, but, the fact remains that Mr. R.N. Jha was not in a position to secure the presence of the petitioner before this Court on any occasion. Even today, Shri Jha told the Court that the petitioner never bothered to respond to his several communications including the registered ones. At the time of hearing, we pointedly asked Shri Jha and Shri Bhaduri whether in the absence of the petitioner, they want to press this writ petition for decision-making, and both of them told us that they are not interested in prosecuting this case.

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(3) We have perused the writ petition and the prayers of the petitioner. We are not satisfied that if the writ petition is not heard on merit and opinion is handed down, it would cause any public mischief or injustice. In that view of the matter, we have no good reason to undertake adjudication of this writ petition, particularly, in the absence of the petitioner and the refusal of two of his counsel. Accordingly, we dismiss the writ petition.

(4) Before we part with this case, the grievance made by Shri Kishore Bhaduri is required to be placed on record. As already pointed out, according to Shri Kishore Bhaduri, what has been alleged by the petitioner in his affidavit dated 07-12-2004 is totally false and incorrect and that he presented the writ petition only after the petitioner executed the Vakalatnama in his favour. Whether the version of the petitioner is correct or the version of Shri Kishore Bhaduri is correct, it is not for us to adjudicate upon in the present proceedings. Shri Kishore Bhaduri sought liberty to take appropriate legal action against the petitioner who has made serious allegations against him. In that view of the matter, while dismissing the writ petition with no order as to costs, we reserve liberty to Shri Kishore Bhaduri to take appropriate legal action against the petitioner in accordance with law, if he is so advised or wishes.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kamde